

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DR. MARC COHEN a/s/o FERNANDA
RAMOS,

Plaintiff,

v.

HORIZON BLUE CROSS BLUE
SHIELD OF NEW JERSEY,

Defendants.

Civil Action No.

2:12-CV-5506-ES-SCM

**ORDER GRANTING INFORMAL
MOTIONS AND**

AMENDED SCHEDULING ORDER

THIS MATTER having come before the Court on April 4, 2013 by way of telephone conference and oral argument on defendant's informal motion to compel plaintiff to provide responses to written discovery required by the scheduling order [D.E. 6] and on plaintiff's motion to extend fact discovery one month with leave to serve a supplemental document demand, and having considered the arguments of all counsel and for good cause having been shown,

IT IS on this Thursday, April 04, 2013 ordered that the Scheduling Order is hereby amended as follows:

1. **Written Discovery:** Defendant's motion is granted and plaintiff shall serve his written responses to defendant's interrogatories and document demands by 4/12/2013.

Plaintiff's motion is granted and has leave to serve a short supplemental document demand upon defendant by 4/12/2013.

2. **Motion Practice:** No motions are to be filed without leave from this Court. All dispositive motions must first be the subject of a dispositive motion pre-hearing. These pre-requisites must be met before any motions are filed and the motions will be returned if not met. All calendar or dispositive motions, if permitted, shall comply with L. Civ. R. 7.1(b), and L. Civ. R. 78.1.
3. **Expert Disclosures:** The parties have a continuing obligation to supplement and amend their initial disclosures. The names and subject of expected

testimony of all affirmative expert witnesses shall be delivered **no later than 30 days** before the end of fact discovery. The names and subject of expected testimony of all rebuttal expert witnesses shall be delivered **no later than 10 days** after the date due for the affirmative expert report(s), provided such report(s) have been served.

4. **Fact Discovery Deadline:** Fact discovery is extended and is to remain open through 5/31/2013. Discovery should be produced on a rolling basis. All fact witness depositions must be completed by the close of fact discovery. No discovery is to be issued or engaged in beyond that date, except upon application and for good cause shown.
5. **Depositions:** No objections to questions posed at depositions shall be made other than as to lack of foundation, form, or privilege. *See* Fed. R. Civ. P. 32(d)(3)(A). If fact questions, beyond pedigree are asked of a Fed. R. Civ. P. 30(B)(6) witness, the Court may count the deposition as both a fact and a 30(B)(6) deposition. The transcript should reflect which responses are made as a fact witness and which are made as a 30(B)(6) witness.
6. **Discovery Disputes:** No discovery motion or motion for sanctions for failure to provide discovery shall be made without prior leave of Court. Counsel shall confer in good faith and attempt to informally resolve any discovery disputes before seeking the Court's intervention. Trial counsel must meet and confer to resolve any disputes concerning privilege before raising such disputes to the Court. Should such informal efforts fail, the aggrieved party shall bring the dispute to the Court's attention in the first instance by a brief letter, not to exceed 5 pages, outlining the dispute. The other party will then be permitted to submit a brief opposition letter, not to exceed 5 pages. Thereafter, the Court will schedule a telephonic discovery conference pursuant to Fed. R. Civ. P. 26(f) to resolve the dispute. *See* L. Civ. R. 16.1(f). Discovery issues are waived if not raised during the period for discovery.
7. **Affirmative Expert Reports:** All affirmative expert reports shall be delivered by 6/14/2013.
8. A **settlement-status conference** to be held on 6/21/2013 at **3:30 p.m.** before Magistrate Judge Steve Mannion in courtroom 4A. Trial counsel and clients who have settlement authority must appear.
 - a. Counsel must meet and confer regarding proposed releases or settlement terms at least **7 days** before the conference and bring mutually agreeable terms (without dollar amounts) to the conference.
 - b. Confidential settlement positions no longer than five pages should be faxed to Magistrate Judge Mannion **7 days** before the conference and not filed via ECF.
9. **Responding Expert Reports:** All responding expert reports shall be delivered by 7/15/2013.

10. **Form and Content of Expert Reports:** All expert reports must comport with the form and content requirements set forth in Fed. R. Civ. P. 26(a)(2)(B). No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in the expert's report.
11. **Deposition of Experts:** Deposition of experts to be completed by 8/30/2013. No objections to questions posed at depositions shall be made other than as to lack of foundation, form, or privilege. See Fed. R. Civ. P. 32(d)(3)(A).
12. **Dispositive Motions:** Motions for summary judgment shall be filed by [Click here to enter a date](#). See Fed. R. Civ. P. 56(b); Local Civ.R. 7.1. Opposition is to be filed within ten days by [Click here to enter a date](#). Replies are to be filed within seven days by [Click here to enter a date](#).
13. **Facsimiles:** Judge Mannion will accept the following correspondence by facsimile up to five pages (plus the cover sheet): (a) joint discovery plans; (b) confidential settlement positions; (c) proposed orders; (d) letters advising that settlement has been reached; and truly emergent correspondence. Courtesy copies of motion papers and exhibits should be delivered to the Court by mail or other carrier. Counsel should obtain permission from Chambers to fax any other documents.

FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER OR ANY SUBSEQUENT SCHEDULING ORDERS ENTERED BY THIS COURT MAY RESULT IN SANCTIONS. See Fed.R.Civ.P. 16(f) and 37.

s:// Steven C. Mannion
Hon. Steven C. Mannion, U.S.M.J.

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